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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,750	03/29/2004	Jeffrey D. Palmer	HE0224	2826
21495	7590	05/12/2006	EXAMINER	
CORNING CABLE SYSTEMS LLC			KIANNI, KAVEH C	
P O BOX 489			ART UNIT	PAPER NUMBER
HICKORY, NC 28603			2883	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,750

Applicant(s)

PALMER ET AL.

Examiner

Kianni C. Kaveh

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 and 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's election without traverse of claims in a paper submitted on 3/30/06 is acknowledged. The requirement is still deemed proper and is therefore made FINAL.

Specification

Paragraph 1 has a missing 'serial number'. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 8, 17 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-9 and 18-14 respectively depend on the rejected claims and therefore they are also rejected.

Claims 1 and 17 recites the limitation 'the assembly process'. There is insufficient antecedent basis for this limitation in the claim. Corrections are required.

Claims 8 and 23 are vague as what is filled through the aperture(s). Corrections are required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al. (US 20050213890).

Regarding claim 1, 3, 17 and 19, Barnes teaches a field-installable fusion optical fiber connector assembly (shown in at least fig. 1) comprising:

a ferrule block subassembly 10 comprising:

a fiber optic stub 14; a ferrule 18, the ferrule having a longitudinal bore therethrough, wherein the fiber optic stub is held in the longitudinal bore and an end of the fiber optic stub extends beyond the ferrule 18; and

a disposable ferrule handling block, the disposable ferrule handling block 20 being used for holding the ferrule during the assembly process; a splice cover handling block subassembly comprising: a crimp body 132;

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a spring 24; a splice cover 26, the splice cover having a first end and a second end and a longitudinal passage between the first end to the second for housing a fusion splice of the fiber optic stub 14; and a disposable splice cover handling block 20, wherein the disposable splice cover handling block 20 is used for holding the crimp body 26, the spring 24, and the splice cover 26 during the assembly process (shown in at least fig. 14 and see p. 0061); and a container 16 for housing and protecting the ferrule block subassembly (shown in fig. 14) so that the end of the fiber optic stub that extends beyond the ferrule is not damaged prior to assembly of the fiber optic connector. (note that the above underlined limitations although taught by prior art, nonetheless, they are not given patentable weight since they merely contain functional language).

However, Barnes does not explicitly state that the above assembly is a kit and that the ferrule having an outer diameter of about 1.25 millimeters. Nevertheless, Barnes suggests as shown in fig. 7, item 69 being 5 mm, then ferrule size is about 2-2.5 mm. It is obvious/well-known to those of ordinary skill in the art when the invention was made that an assembly containing above optical/non-optical elements is/known as kit, and it would have been obvious to a person of ordinary skill in the art when the invention was made to choose a ferrule that that would hold *conventionally* a fiber size of less than about 1 mm diameter fiber since such assembly would provide connectors for field installation (see p. 0002) since a change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claims 2-9 and 18-24, Barnes further teaches the disposable splice cover handling block having a first end and a second end, the second end of the disposable splice cover handling block having a plurality of resilient fingers that act as a stop for the first end of the splice cover (shown in fig. 14, the fingers, not numbered, positioned at the ends of the splice cover 26, act as a stop for the first end of the splice cover); connector housing 16; a connector housing and a trigger 142, wherein the trigger attaches to the connector housing 16; the ferrule being held by a first end of the disposable ferrule handling block so that the fiber optic stub extends therefrom (shown in at least fig. 14); the splice cover having at least one aperture for filling the longitudinal passageway (see 0050); the fiber optic connector being connected to a portion of a cable 12.

Claim rejected under 35 U.S.C. 103(a) as being unpatentable over Throckmorton et al. (US 20010002220).

Regarding claim 1, 3, 17 and 19, Throckmorton teaches a field-installable fusion optical fiber connector assembly (shown in at least fig. 2) comprising:
a ferrule block subassembly comprising (shown in at least fig. 2):
a fiber optic stub (0036); a ferrule 12, the ferrule having a longitudinal bore therethrough, wherein the fiber optic stub is held in the longitudinal bore and an end of the fiber optic stub extends beyond the ferrule 12; and

a disposable ferrule handling block, the disposable ferrule handling block being used for holding the ferrule (shown in fig. 2, item 52) during the assembly process;

a splice cover handling block subassembly comprising 24: a crimp body 36;

a spring 48; a splice cover 24ab, the splice cover having a first end and a second end and a longitudinal passage between the first end to the second for housing a fusion splice of the fiber optic stub; and

a disposable splice cover handling block, wherein the disposable splice cover handling block is used for holding the crimp body 26, the spring 24, and the splice cover 26 during the assembly process (shown in at least fig. 2, item splice cover handling block containing the above elements);

and a container 54 for housing and protecting the ferrule block subassembly (shown in fig. 2) so that the end of the fiber optic stub that extends beyond the ferrule is not damaged prior to assembly of the fiber optic connector. (note that the above underlined limitations although taught by prior art, nonetheless, they are not given patentable weight since they merely contain functional language).

However, Throckmorton does not explicitly state that the above assembly is a kit and that the ferrule having an outer diameter of about 1.25 millimeters. It is obvious/well-known to those of ordinary skill in the art when the invention was made that an assembly containing above optical/none-optical elements is/known as kit, and it would have been obvious to a person of ordinary skill in the art when the invention was made to choose a ferrule that that would hold *conventionally* a fiber size of less than about 1 mm diameter fiber since such assembly would provide connectors for filed installation

since a change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claims 2-9 and 18-24, Throckmorton further teaches the disposable splice cover handling block having a first end and a second end, the second end of the disposable splice cover handling block having a plurality of resilient fingers that act as a stop for the first end of the splice cover (shown in fig. 2, the fingers, not numbered, positioned at the ends of the splice cover act as a stop for the first end of the splice cover); connector housing 54; a connector housing and a trigger, wherein the trigger attaches to the connector housing (shown in fig. 1 and see 0062 and 0063); the ferrule being held by a first end of the disposable ferrule handling block so that the fiber optic stub extends therefrom (shown in at least fig. 2); the splice cover having at least one aperture for filling the longitudinal passageway (see 0042); the fiber optic connector being connected to a portion of a cable 16.

Citation of Relevant Prior Art

Prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In accordance with MPEP 707.05 the following references are pertinent in rejection of this application since they provide substantially the same information disclosure as this patent does. These references are:

The following references teach at least the above independent claims

Throckmorton et al.: 6379054 and 6173097

US 4553814 A Bahl; Andrew L. et al.
US 4233724 A Bowen; Terry P. et al.
US 20030231839 A1 Chen, Wenzong et al.
US 20050094945 A1 Danley, Jeff D. et al.
US 20040057676 A1 Doss, Donald G. et al.
US 20010019645 A1 Edwards, Bryan et al.
US 5367594 A Essert; Robert et al.
US 4752111 A Fisher; Jeffrey K.
US 5971624 A Giebel; Markus A. et al.
US 3904269 A Lebduska; Robert L. et al.
US 5748819 A Szentesi; Otto I. et al.

These references are cited herein to show the relevance of the apparatus/methods taught within these references as prior art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (571) 272-2417.

The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (571) 272-2415.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or:

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Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.

K. Cyrus Kianni
Primary Patent Examiner
Group Art Unit 2883

**KAVEH KIANNI
PRIMARY EXAMINER**

May 8, 2006

A handwritten signature in black ink, appearing to be 'K. Kianni', is written over a horizontal line. The signature is stylized with a large initial 'K' and a long, sweeping horizontal stroke that extends to the right.